

REMARKS

Following entry of the above amendment, claims 1-6, 8, and 10-11 are pending. Claims 7 and 9 are canceled. Applicants have amended claims 1 and 2 to focus on particular embodiments of the invention and claims 3-6, 8 and 10 to add clarity to the claims. Support for the amendment is found in the specification as originally filed. See, for example, Examples 1-7 and page 8, lines 5-12.

I. Claim rejections under 35 U.S.C § 112

a) Claims 1-2 were rejected under 35 U.S.C § 112, first paragraph as failing to comply with the written description requirement. In particular, the Office Action stated that claim 1 and 2 recite in the definition of R¹, "each ring of which optionally includes a further heteroatom N", however, no examples were given to support such structures. In an effort to advance prosecution, Applicants have amended claim 1 and 2 to remove this phrase from definition of R¹ effectively mooting the rejection.

b) Claims 1-6, 8 and 10 were rejected under 35 U.S.C § 112, first paragraph as failing to comply with the enablement requirement. The Office Action stated that the claims were not enabled for the phrase "derivative(s)" of a compound according to formula (I). Applicants disagree with this assertion and point out that the specification on page 8, lines 5-12 adequately teaches one of skill in the art which derivatives are encompassed by the present claims. The Office Action admitted that pharmaceutically acceptable "salts and prodrugs thereof" were enabled in the claims. Therefore, applicants have amended claims 1-6, 8 and 10 to remove the term "derivative(s)" and replace it with the phrase "salts or prodrugs thereof" in order to advance prosecution.

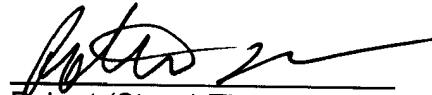
II. Claim objections

Finally, the Office Action stated that claim 11 was objected to as being dependent upon the rejected base claim 1. Applicants assert that this objection is now moot in light of the present amendments to claim 1.

Applicants believe the present claims are in condition for allowance and such action is respectfully requested.

If the Examiner has any outstanding issues with the pending claims, he is encouraged to telephone the undersigned at (919) 483-8406 for expeditious handling.

Respectfully submitted,



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